HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.5240 of 2007

Dated:15.03.2007

Between:

M/s.Sri Ramachandra Para Boiling .

…Petitioner.

and

The Divisional Electrical Engineer and others

…Respondents.

HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.5240 of 2007

ORDER:

The petitioner is a Para Boiling Rice Mill at Bhaggeswaram Village of West Godavari District. It was provided with power supply, through S.C.No.399. The power supply was disconnected, on 28.05.2006, on the ground that it did not pay the power consumption charges. The petitioner states that the non-payment of charges was on account of the loss in business, and soon after there was some recovery, the entire arrears were paid on 25.12.2006. The petitioner approached the respondents, with a request to restore the power supply. However, they informed the petitioner through letter, dated 10.03.2007, that, not only the power supply was disconnected, but also the agreement was terminated on 28.09.2006 and expressed their inability to arrange for reconnection. The petitioner was requested to apply for fresh service connection. The petitioner seeks a direction to the respondents to restore the power supply.

Heard the learned Counsel for the petitioner and the learned Standing Counsel for the respondents.

Admittedly, the petitioner committed default in payment of consumption charges and the same resulted in disconnection of power

supply on 28.05.2006. The feasibility of restoration of power supply on payment of the arrears of consumption charges would have existed, had the contract, between the petitioner and respondents, remained in tact. Even from the letter, dated 10.03.2007, it is evident that the contract was terminated, three months after the disconnection of power supply. The petitioner states that it was not informed about the termination of contract. That, however, makes a little difference.

On instructions, learned Standing Counsel submits that the meter fitted in the premises of the petitioner was also removed. Under these circumstances, the respondents cannot be directed to restore the power supply, on the strength of previous service connection.

Fortunately, the service line has not been dismantled, as yet. The petitioner has cleared all the arrears. There must not be any difficulty for the respondents in granting fresh power supply to the petitioner, without insisting on the service line charges, since it is already existing. The other deposits made by the petitioner shall also take into account, while processing the application.

Hence, the Writ Petition is disposed of, leaving it open to the petitioner to apply for fresh service connection. As and when such application is filed, it shall be processed, without levy of any service line charges and by adjusting the amounts, which are already deposited by the petitioner, within two weeks. If the respondents have collected any consumption or minimum charges from the petitioner, subsequent to termination of the agreement, that shall also be taken into account, while processing the application of the petitioner, for fresh service connection. There shall be no order as to costs.

Dt.15.03.2007 **L.NARASIMHA REDDY, J**

Note:Furnish C.C. in three days.
(B/o)
GJ

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